

### REMARKS

Applicants have amended claims 1, 9, and 18. No new matter has been added by way of these amendments. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1, 2, 4-7, 9-11, 13-16, 18-20, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,438,657 to Nakatani (Nakatani), in view of US Patent No. 7,197,702 to Niyogi et al. (Niyogi), and further view of US Patent No. 7,272,258 to Berkner et al. (Berkner), claims 3, 12, and 21 under 35 U.S.C. 103(a) as being unpatentable over Nakatani in view of Niyogi in view of US Patent (Berkner), and further in view of US Patent No. 6,778,703 to Zlotnick (Zlotnick), and Claims 8, 17, and 26 under 35 U.S.C. 103(a) as being unpatentable over Nakatani in view of Niyogi in view of Berkner and further in view of US Patent No. 6,519,617 Wanderski et al. (Wanderski).

Nakatani, Berkner, Zlotnick, Niyogi, and Wanderski, alone or in combination, do not disclose or suggest, "an identification system configured to identify a designated output system. . . wherein the mutation system determines which of the one or more mutators to apply based on one or more characteristics of the designated output system" as recited in claim 1, "an identification system configured to identify a designated output system ... wherein the applying further comprises determines which of the one or more mutators to apply based on one or more characteristics of the designated output system" as recited in claim 9, or "identifying a designated output system ... wherein the applying further comprises determines which of the one or more mutators to apply based on one or more characteristics of the designated output system" as recited in claim 18.

The Office has asserted "Nakatani and Niyogi et al. does not expressly teach to form a mutated portion in the original document, wherein the mutation system determines which of the one or more mutators to apply based on one or more characteristics of the designated output system. However, the Office asserts Berkner teaches ... to form a mutated portion in the original document, wherein the mutation system determines which of the one or more mutators to apply based on one or more characteristics of the designated output system whereas one or more mutators/reflow operations are applied based upon output display constraints."

Contrary to the Office's assertion Berkner teaches the reflow of text operations are performed with respect to the size of the constrained output display representation, which is the height and width of a canvas or target size of a document, **not** the characteristics of the designated output system, e.g., a printer as recited in claims 1, 9, and 18. By way of example only, the Office's attention is directed to column 5, lines 54-67, and column 6, lines 1-3 of Berkner which states:

“In one embodiment, formatter 112 comprises a scale selector 112A to select the scale for each text zone, a reflow computation unit 112B to perform reflow on the text zones, and a layout unit 112C to generate the layout of the constrained display document representation or constrained display output image. Reflow of text is well-known. For example, see U.S. Pat. No. 6,043,802, entitled "Resolution Reduction Technique For Displaying Documents on a Monitor," issued to Gormish, et al. discloses reflow of text in scanned documents for display on a monitor. These reflow operations performed by formatter 112 are all performed in response to receiving the display constraints 120 with respect to the size of the constrained output display representation, such as, for example, height and width. These constraints may also be called a canvas size or target image size.” (emphasis added)

Furthermore, the term “representation” disclosed throughout Berkner is used in regards to a representation of the original scanned document, e.g., another form of the original document. Thus, the constrained output display representation in Berkner is **not** equivalent or analogous to an output system, e.g., a printer as recited in claims 1, 9, and 18. By way of example only, the Office's attention is directed to Claims 2, 18, and 22 of Berkner which states:

“wherein the image comprises a representation of the scanned document at a target size smaller than that of the document”

Additionally, by way of example only, the Office's attention is directed to column 5, lines 11-14, of Berkner which states:

“A technique is described that uses layout analysis information given by performing document analysis **to reformat a scanned document image** into a constrained display document **representation.**” (emphasis added)

In sharp contrast, the present invention determines which of the mutators to use based on the characteristics of the output device on which the original document is going to be displayed, e.g., a printer. By way of example only, the Office's attention is directed to paragraph [0025], lines 17-26 of the above-identified patent application:

“[0025] In step 110, the document processing system 12 determines which of the one or more mutators obtained from the identified, stored document to use on the selected portion of the original document. The document processing system 12 determines which of the mutators to use based on the characteristics of the device on which the original document is going to be displayed and based on one or more elements of the original document, although other manners for determining which of the mutators to select can be used. For example, if the printer 14 selected for the printing job is a black and-white printer, then a mutator for altering color obtained from the identified, stored document is irrelevant and would not be used by the document processing system 12.”

Accordingly, neither Nakatani, Berkner, Zlotnick, Niyogi, nor Wanderski, alone or in combination, teach or suggest determining which of the one or more stored mutators to apply based on one or more characteristics of the designated output system, as recited in claims 1, 9, and 18.

Additionally, Nakatani, Berkner, Zlotnick, Niyogi, and Wanderski, alone or in combination, do not disclose or suggest, “a mutation system . . . having obtained one or more mutators from a list of stored mutators which correspond to particular types of documents, wherein the mutation system determines which of the one or more mutators to apply based on . . . the type of document that matches the portion of the original document.” as now recited in claim 1, and “having obtained one or more mutators from a list of stored mutators which correspond to particular types of documents, wherein the applying further comprises determines which of the one or more stored mutators to apply based on . . . system and the type of document that matches the portion of the original document.” as now recited in claim 9, and “having obtained one or more mutators from a list of stored mutators which correspond to particular types of documents, wherein the applying further comprises determines which of the one or more stored mutators to apply based on . . . system and the type of document that matches the portion of the original document.” as now recited in claim 18.

By way of example only, the Office's attention is directed to paragraph [0025] of the above-identified patent application:

[0025] In step 110, the document processing system 12 determines which of the one or more mutators obtained from the identified, stored document to use on the selected portion of the original document. The document processing system 12 determines which of the mutators to use based on the characteristics of the device on which the original document is going to be displayed and based on one or more elements of the original document, although other manners for determining which of the mutators to select can be used. For example, if the printer 14 selected for the printing job is a black-and-white printer, then a mutator for altering color obtained from the identified, stored document is irrelevant and would not be used by the document processing system 12. In another example, the document processing system 12 could have lists of mutators stored in memory 20 which are associated with particular types of documents, such as for text documents, documents with text and images, and documents with images, and then the document processing system 12 would determine to use the obtained mutators that were on appropriate stored list for the type of document that matches the portion of the original document or the original document. (Emphasis added)

Accordingly, the present invention selects a mutator from a list of stored mutators and then applies the mutator based upon the particular types of documents that matches the portion of the original document. Neither Nakatani, Berkner, Zlotnick, Niyogi, nor Wanderski, alone or in combination, teach or suggest the aforementioned limitation.

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 9, and 18. Since claims 2-8 and 27 depend from and contain the limitations of claim 1, claims 10-17 and 28 depend from and contain the limitations of claim 9, and claims 19-26 and 29 depend from and contain the limitations of claim 18, they are distinguishable over the cited references and patentable in the same manner as claims 1, 9, and 18.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: May 6, 2011

/Gerald F. Gibbs, Jr./  
Gerald F. Gibbs, Jr.  
Registration No. 64,715

LECLAIRRYAN  
290 Linden Oaks  
Suite 310  
Rochester, New York 14625  
Telephone: (585) 270-2117  
Facsimile: (585) 270-2179